

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	CASE NO.: 4:12CR3072
Plaintiff,)	
)	UNOPPOSED MOTION TO
vs.)	CONTINUE DATE FOR FILING
)	PRETRIAL MOTIONS AND
LAFAYETTE BYRON DORSEY,)	CONTINUE TRIAL
)	
Defendant.)	

COMES NOW the Defendant, Lafayette Byron Dorsey, by his Court appointed counsel Joseph F. Gross, Jr. and by filing this unopposed motion requests that the Court grant a continuance on the date to file pretrial motions and a continuance of the trial date. Specifically, counsel requests a continuance of the date to file pretrial motions until September 17, 2012 and trial during the month of November, 2012.

In support of this motion, counsel states as follows:

1. That counsel discussed the filing of this motion with Assistant United States Attorney Sara Fullerton on August 30, 2012 and Ms. Fullerton interposes no objection.
2. That the discovery material is voluminous and additional time is necessary for counsel to review and analyze the material in order to provide effective representation.
3. That counsel for the Defendant and for the government have acted with all due diligence in gathering and disclosing discovery material well beyond the scope of Rule 16 to allow for effective preparation but additional time is necessary for effective

preparation taking into account due diligence by both counsel pursuant to Title 18 U.S.C. §3161(h)(7)(B)(iv).

4. That counsel has acted with all due diligence in his representation of Mr. Dorsey but additional time is necessary due to family medical issues that have contributed to the delay in timely reviewing all material and meeting with Mr. Dorsey.

5. That counsel conferred with Mr. Dorsey on August 2, 8, 14 and 31 and Mr. Dorsey agrees additional time is necessary for effective representation. Counsel discussed with Mr. Dorsey his rights under the United States Constitution and under the Speedy Trial Act and understands that the filing of this motion and any continuance granted will result in a trial date later than is now set by the Court. Still, Mr. Dorsey agrees with the need for additional time and the filing of this motion. Mr. Dorsey agrees to sign an affidavit both that he conferred with counsel on the matters set forth in this motion and that he agrees with the need for additional time. That Affidavit will be filed forthwith upon receipt to support these requests for additional time to file pretrial motions and to continue the trial date into the month of November, 2012.

6. That counsel for the government and counsel for Mr. Dorsey have acted with all due diligence and despite their due diligence the failure to grant such a continuance in the proceedings would result in a miscarriage of justice under Title 18 U.S.C. §3161(h)(7)(B)(i) and deny counsel for the Defendant the reasonable time necessary for effective preparation taking into account the exercise of due diligence pursuant to Title 18 U.S.C. §3161(h)(7)(B)(iv).

WHEREFORE, counsel requests the Court enter an Order concluding that the ends of justice are served by granting this continuance and outweigh the best interest of the public and the Defendant in a speedy trial pursuant to Title 18 U.S.C. §3161(h)(7)(A).

LAFAYETTE BYRON DORSEY,
Defendant

By: /s/ Joseph F. Gross, Jr.
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CERTIFICATE OF SERVICE

I, Joseph F. Gross, Jr., hereby certify that a copy of the foregoing Unopposed Motion to Continue Date for Filing Pretrial Motions and to Continue Trial and was served on the parties on August 31, 2012, via the Court's ECF system:

Sara Fullerton
U.S. Attorney's Office – Lincoln
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/s/ Joseph F. Gross, Jr.